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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,415	01/04/2002	David Baltimore	75723-ZB/JPW/GJG	7747
23432	7590	03/21/2008		
COOPER & DUNHAM, LLP 1185 AVENUE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER GUZO, DAVID	
			ART UNIT 1636	PAPER NUMBER
			MAIL DATE 03/21/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10037415	1/4/2002	BALTIMORE ET AL.	75723-ZB/JPW/GJG

COOPER & DUNHAM, LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

**EXAMINER**

David Guzo

ART UNIT	PAPER
1636	3

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**Commissioner for Patents**

SEE ATTACHMENT

### **Attachment**

The reply filed on 12/7/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have not addressed, in any fashion, the obviousness type double patenting rejection of pending claim 89 over the claims in the 6,410,516 patent. Since this rejection is **not a provisional rejection**, applicants cannot defer a response to this rejection. A complete response can include a traverse of the rejection, cancellation of the rejected claim(s), a statement that applicants will file a Terminal Disclaimer upon indication of allowable subject matter, etc. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Guzo, Ph.D., whose telephone number is (571) 272-0767. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Woitach, Ph.D., can be reached on (571) 272-0739. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 16, 2008

/David Guzo/  
Primary Examiner  
Art Unit 1636